

Application Serial No. 10/542,077
Reply to Office Action of March 19, 2009

PATENT
Docket: CU-4322

REMARKS

In the Office Action, dated March 19, 2009, the Examiner states that Claims 1-20 are pending, Claims 1-3, 10, 11, 13-15, 17 and 20 are rejected and Claims 4-9 are allowed. By the present Amendment, Applicant amends the claims.

Rejections under 35 U.S.C. §112

Claims 1-15, 17 and 20 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

Specifically, Claim 1 is rejected because the Office Action considers that the phrase "the locking member is meshed with the lid that is in the closed state as well as is abutted with respect to an operating direction of the operation member against a locking surface of the container main body..." is unclear.

Claim 6 is rejected because it recites "groove second portion" as opposed to "second groove portion."

Claim 8 is rejected because the Office Action considers that the recital of the phrase "the groove portion" renders them indefinite.

Claim 9 is rejected because the Office Action considers that the phrase "the pawl portion more protruding laterally with respect to the extracting direction in which the locking member is extracted from the first groove portion of the operation member as it more advances in the extracting direction" is confusing.

Claim 10 is rejected because the Office Action considers that the phrases "the groove portion" and "the extracting direction" lack sufficient antecedent basis.

At the outset, Applicant indicates that Claims 1-20 are cancelled and new Claims 21-26 have been added. New Claim 21 corresponds to a combination of previous Claims 1-4. Claims 22-26 correspond to previous Claims 5-9, respectively. Applicant has attended to correction of each of the foregoing matters raised in the Office Action in the newly submitted set of claims.

As can be seen, the phrases objected to in cancelled Claims 1 (new Claim 1) and 9 (new Claim 26) have been re-worded. The recital of the "groove second portion" in cancelled Claim 6 (new Claim 23) has been amended to read "second groove portion." In cancelled Claim 8 (new Claim 25), the first instance of the term "groove portion" has been amended to read "first groove portion" and the second

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instance of this term was amended to read "second groove portion."

In view of the foregoing, and the new set of claims, Applicant respectfully requests withdrawal of the rejection of Claims 1-15, 17 and 20 under 35 U.S.C. §112, second paragraph.

Rejections under 35 U.S.C. §103(a)

Claims 1-3, 10, 11, 13-15 and 20 are rejected under 35 U.S.C. §103(a) as obvious over Niles et al. (US 5,033,778) in view of Ikuta et al. (US 5,074,413). Claims 1-3, 13, 14 and 20 are rejected under 35 U.S.C. §103(a) as obvious over Peters (US 6,006,558) in view of Ikuta et al. Claim 17 is rejected under 35 U.S.C. §103(a) as obvious over Niles et al. or Peters in view of Ikuta et al. and Pitts (US 2001/0028561).

Moreover, the Office Action indicated that Claims 4-9 would be allowable if rewritten as independent claims, including all of the limitations of the base claim and any intervening claims.

Without conceding the propriety of the foregoing rejections and solely in the interest of advancing prosecution, Applicant has rewritten Claim 4 as an independent claim and included all of the limitations of its base claim and the intervening claims. The combined claim is drafted as new Claim 21. Moreover, all of the other new claims are dependent, either directly or indirectly, from new Claim 21. Accordingly, since Claim 21 is allowable over the prior art, Applicant asserts that all claims depending therefrom are allowable for at least the same reasons, as well as for the features that they recite. As such, Applicant respectfully requests withdrawal of the present rejections under 35 U.S.C. §103(a).

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In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

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Date



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